

REMARKS

The present application was filed on August 15, 2001 with claims 1-34. Claims 1, 8, 17, 24, 33 and 34 are the independent claims. In the outstanding Office Action, the Examiner: (i) rejected claims 1, 2, 7-11, 14, 17, 18, 23-27, 30, 33 and 34 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,809,499 to Wong et al. (hereinafter "Wong"); (ii) rejected claims 3-5 and 19-21 under 35 U.S.C. §103(a) as being unpatentable over Wong in view of U.S. Patent No. 6,434,570 to Rangan et al. (hereinafter "Rangan"); and (iii) rejected claims 6, 12, 13, 15, 16, 22, 28, 29, 31 and 32 under 35 U.S.C. §103(a) as being unpatentable over Wong in view of U.S. Patent No. 5,819,266 to Agrawal et al. (hereinafter "Agrawal").

Regarding the drawings, it appears that Form PTO 948 addresses the informal drawings filed with the present application on August 15, 2001. However, Applicants note that formal drawings were filed on January 10, 2002, and acknowledged as being received by the U.S. Patent Office on February 20, 2002. Please inform Applicants in the next communication if a courtesy copy of the filed formal drawings is required.

In this response, Applicants respectfully traverse the various rejections of claims 1-34 for at least the following reasons. Applicants respectfully assert that Wong fails to teach or suggest all of the limitations in independent claims 1, 8, 17, 24, 33 and 34.

It is well-established law that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Applicants assert that the rejections based on Wong do not meet this basic legal requirement, as will be explained below.

The present invention, for example, as recited in independent claim 1, recites a computer-based method of mining one or more patterns in an input data set of items, the method comprising the steps of: (i) identifying one or more sets of items in the input data set as one or more patterns based on whether the one or more sets respectively satisfy a dependency test, the dependency test being satisfied when each of the items in a set of items is dependent upon each other item with a prescribed significance level; and (ii) outputting the one or more identified patterns based on results

of the dependency tests. Independent claims 8, 17, 24, 33 and 34 recite, *inter alia*, some similar limitations. By way of example only, each independent claim recites "a dependency test" which is "satisfied when each of the items in a set of items is dependent upon each other item with a prescribed significance level."

Wong is directed to a method for discovering patterns in data sets, however, no where does Wong disclose "a dependency test" which is "satisfied when each of the items in a set of items is dependent upon each other item with a prescribed significance level," as recited in each independent claim.

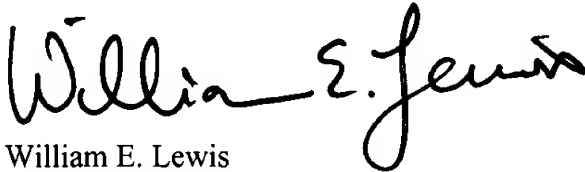
The Office Action cites Wong at column 2, line 58, through column 3, line 18; and column 4, line 1, through column 5, line 67, with regard to a "statistical significance test T." However, as indicated at column 2, lines 59-62, of Wong, "the principal object . . . is to discover . . . time-dependent and time-independent pattern[s] in one framework by statistical analysis of data sets." Further, column 5, lines 54-58, of Wong states that T is "a statistical significance test . . . [wherein if] . . . the occurrence of a compound event is significantly different from its expectation, we say that the primary events have a statistically significant association according to T . . . ."

Thus, Wong clearly is silent as to "a dependency test" which is "satisfied when each of the items in a set of items is dependent upon each other item with a prescribed significance level," as recited in each independent claim. That is, no where does Wong teach or suggest determining when each of the items in a set of items is dependent upon each other item with a prescribed significance level. The only dependency that Wong discloses has to do with time-dependency, which is different than determining when each of the items in a set of items is dependent upon each other item with a prescribed significance level.

Regarding claims 2-7, 9-16, 18-23 and 25-32, it is respectfully asserted that such claims directly or indirectly depend from independent claims 1, 8, 17 or 24 and are therefore patentable for the same reasons that claims 1, 8, 17 and 24 are patentable. However, it is also respectfully asserted that said dependent claims are patentable because they recite patentable subject matter in their own right. Neither Rangan nor Agrawal remedy the deficiencies of Wong. Also, Applicants assert that the Office Action fails to provide proper motivation for combining each reference with Wong.

In view of the above, Applicants believe that claims 1-34 are in condition for allowance, and respectfully request withdrawal of the §102(e) and §103(a) rejections.

Respectfully submitted,

A handwritten signature in black ink that reads "William E. Lewis". The signature is written in a cursive, flowing style.

Date: June 8, 2004

William E. Lewis  
Attorney for Applicant(s)  
Reg. No. 39,274  
Ryan, Mason & Lewis, LLP  
90 Forest Avenue  
Locust Valley, NY 11560  
(516) 759-2946